

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRECISION INDUSTRIAL CONTRACTORS INC.,

Plaintiff,

V.

JACK R. GAGE REFRIGERATION
INC., et al.,

Defendants.

C19-5810 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant Jack R. Gage Refrigeration, Inc.’s Motion to Dismiss (“Motion”), docket no. 78, is DENIED. “As under a Rule 12(b)(6) motion to dismiss, a Rule 12(c) motion for judgment on the pleadings is properly granted only when ‘taking all the allegations in the pleadings as true, the moving party is entitled to judgment as a matter of law.’” *Herrera v. Zumiez, Inc.*, 953 F.3d 1063, 1068 (9th Cir. 2020) (quoting *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 978–79 (9th Cir. 1999)). Defendant’s conclusory assertion that Plaintiff Precision Industrial Contractors Inc. “has failed to state claim upon which relief can be granted,” without more, is insufficient to explain *why* Plaintiff’s complaint is lacking or why Defendant is entitled to judgment as a matter of law. *See* Motion (docket no. 78 at 3). Nor does Defendant assume Plaintiff’s allegations to be true, as it must, in order to prevail on this Motion. *See id.* at 2.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 2nd day of April, 2021.

William M. McCool
Clerk

s/Gail Glass
Deputy Clerk